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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/815,441      | 03/22/2001  | David Arthur Eatough | 42390P11037         | 5228             |

7590

03/18/2004

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650 Page Mill Road  
Palo Alto, CA 94304

EXAMINER

GANDHI, DIPAKKUMAR B

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2133

DATE MAILED: 03/18/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/815,441

Applicant(s)

EATOUGH ET AL.

Examiner

Dipakkumar Gandhi

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 1/5/2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Amendment***

1. Applicants' request for reconsideration filed on 1/5/2004 has been reviewed.
2. Amendment A filed on 1/5/2004 has been entered.
3. The Examiner has withdrawn the objection to the abstract.
4. The Examiner has withdrawn the objection to the claim 15.
5. The Examiner has withdrawn the 35 U.S.C. 101 rejections to the claims 1, 2 and 9.
6. Applicants' arguments filed on 1/5/2004 have been fully considered but they are not deemed to be persuasive.
7. The applicants content, "As per claims 1, 10 and 12, Miksovsky et al. do not teach error interception. Instead, every error in the Miksovsky system results in the error handling mechanism using a centralized error handling mechanism in the form of an internal API (see column 5, lines 60-63). Because of this, the Miksovsky system teaches an environment where the dynamic error handling has been designed into the system from very beginning, and interception is unnecessary. Miksovsky et al. fail to teach claims 1,10 and 12 and dependent claims 2-5, 10-11 and 13-14".

The examiner disagrees and asserts that Miksovsky et al. teach that as represented in FIGS. 2-4, the centralized error handling mechanism 80 is enhanced to be able to handle dynamic message information. When the centralized error handling mechanism 80 is called at display time by the dll-based error handling mechanism 82, the centralized error handling mechanism 80 first searches the dynamic error messages file 60 for updated error message information for that error. More particularly, the centralized error handling mechanism 80 is passed a numerically identified error code, and knows which dll is calling. From the error code and dll identity, a search string is built (e.g., by code 84, FIG. 4), and the dynamic error messages file 60 searched for the error information by a search mechanism 86. The search mechanism may be internal to the centralized error handling mechanism 80, e.g. a simple string compare function, or may be a system component such as an API (GetProfileString) that searches ".ini" files, a convenient format for storing dynamic error messaging information. If corresponding dynamic error message information exists in the file, the centralized error handling mechanism 80 interprets the information via some result interpreting code 88 to provide the updated error message 74 to the user. If

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no dynamic error message information exists, the centralized error handling mechanism 80 uses the existing, static message 84 for output to the user (figures 2-4, col. 6, lines 4-29, Miksovsky et al.). Thus the error handling mechanism intercepts the first error message (figure 2, Miksovsky et al.). There is no change in rejection for the claims 1, 10 and 12 and dependent claims 2-5, 10-11 and 13-14.

8. The applicants content, "As per claims 6-9 and 15 none of the cited art teaches or suggests intercepting the first error message as claimed in claim 1 and claim 12. Applicants request withdrawal of the claim rejections under 35 U.S.C. 103 (a) against claims 6-9 and 15, which depend from claims 1 and 12". The examiner disagrees and asserts that Miksovsky et al. teach intercepting the first error message as explained above and figures 2-4 (Miksovsky et al.). There is no change in rejection for the claims 6-9 and 15.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-5, 10-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Miksovsky et al. (US 6,526,529 B1). See paper no. 6 dated 8/5/2003 for detailed action of prior rejections.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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12. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

13. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miksovsky et al. (US 6,526,529 B1) as applied to claim 5 above, and further in view of Viet (US 6,463,147 B1). See paper no. 6 dated 8/5/2003 for detailed action of prior rejections.

14. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miksovsky et al. (US 6,526,529 B1) and Viet (US 6,463,147 B1) as applied to claim 6 above, and further in view of Boivie (US 4,453,217). See paper no. 6 dated 8/5/2003 for detailed action of prior rejections.

15. Claims 8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miksovsky et al. (US 6,526,529 B1) as applied to claims 1 and 12 above, and further in view of Ganugapati (US 2002/0114438 A1). See paper no. 6 dated 8/5/2003 for detailed action of prior rejections.

16. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miksovsky et al. (US 6,526,529 B1) as applied to claim 2 above, and further in view of Noguchi et al. (US 6,105,150) and Schoettger (US 2002/0069366 A1). See paper no. 6 dated 8/5/2003 for detailed action of prior rejections.

#### ***Conclusion***

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dipakkumar Gandhi whose telephone number is 703-305-7853. The examiner can normally be reached on 8:30 AM - 5:00 PM.

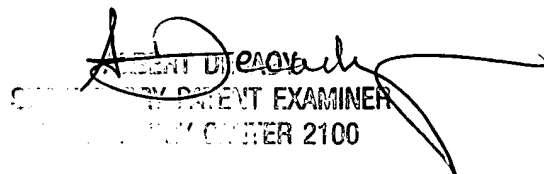
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on (703) 305-9595. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dipakkumar Gandhi

Patent Examiner



ALBERT DECADY  
PATENT EXAMINER  
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